

TO THE CITIZENS OF PHILADELPHIA COUNTY.

On the morning of the 20th June, 1850, I called at the office of the Public Ledger and examined the manuscript of an article which appeared in the advertising columns of the Public Ledger of that date, addressed "To the Democracy of Philadelphia County," and signed "A Democrat." The manuscript was in the hand writing of Andrew Miller, of Moyamensing; and although my name was not mentioned in the article, yet the reference made to me, in a certain paragraph, was so pointed that its meaning and the object of its author admitted of but one construction, while the style of the publication was more offensive than if my name had been literally given.

On the same morning of my visit to the Ledger Office, but at a subsequent hour, I happened to meet Andrew Miller in the office of the County Commissioners.

The annexed account of that meeting is copied from the correspondence of the 'Trenton "True American,"' dated

"Philadelphia, June 20th.—There was quite a flare-up this morning in the passage way leading to the County Commissioners' office, between Andrew Miller and Senator Thomas S. Fernon. The affair had its origin in a communication in the *Ledger*, relative to the delegate system. Miller met Fernon upon the steps,* and in a smiling manner extended his hand. This was indignantly rejected, when some warm words followed, Mr. Fernon cautioning him never again to attempt to speak to him, at the same time stigmatizing him as 'a hollow-hearted rascal!' Mr. Miller wanted to know if he intended to come 'Ned Forrest' over him. Fernon gave him to understand that he was in earnest, when the matter ended for the present."

I spurned Miller's salutation because of his two faced conduct in presuming to address me in a familiar way, when, at the same time, he was covertly striving to poison the public mind against me, with his own false and insidious inventions.

On Tuesday, July 9th, another article appeared in the Public Ledger, bearing the "caption and the same signature as the article of June 20th.

street. At breakfast, on the day of the second publication, I started from my boarding house, No. 138 Beach street, near Shackamaxon street, Kensington, for my brother's residence, No. 146 Randolph street, north of Poplar street, Northern Liberties. At the corner of Germantown Road and Otter street I was met by Mr. James Altenus, who named to me a matter of business concerning himself, and asked me to meet him in the city at a specified hour that morning. To keep this engagement, I left my brother's house, walked down Randolph street to Poplar, and turned up Poplar street towards Sixth street, intending at the corner (the starting point of the Sixth street line) to take passage in an omnibus bound into the city. In Poplar street, be-

* The correspondent is slightly in error here. The interview occurred not "upon the steps," but, as before stated, within the office.

between Randolph and Sixth streets, I beheld Andrew Miller approaching me from the west, and soon we confronted each other face to face. As may be supposed, I was surprised at the unexpected appearance of my traducer in my path, in that locality, at that particular juncture.

With this preface, the publication of July 9th, and the events which grew out of it, will now be given, according to date, with brief notes, references and explanations:

From the Public Ledger of Tuesday, July 9, 1850.

TO THE DEMOCRACY OF PHILADELPHIA COUNTY.

"The old delegate rules under which the members of the County Convention have been hitherto chosen, were framed in 1842. The one fixing the number of delegates was broken in 1845, and since then each ward sends as many delegates as it pleases, and corruption and hypocrisy have had full sway in the conventions.

"In 1847, the convention passed resolutions highly eulogic of Gov. Shunk and his policy, and rejected a candidate for the Senate who was known to be a sincere and devoted friend of that policy, and placed in nomination one who was known to be opposed to it, and who has given evidence of his anti-corporationism by procuring the charter of the Spring Garden Health Insurance Company, and several other equally valuable institutions.

"In 1848, the convention again passed resolutions approving of the anti-corporation policy of Gov. Shunk, and lamenting his decease, and nominated for the Senate a candidate that had, during a three years' term in the Senate, voted for nearly if not quite every bank charter that came before that body, and had aided in passing by a two-thirds vote, two or three banks that Gov. Shunk had vetoed.

"In 1849, the convention again passed high sounding resolutions against banks and corporations, and nominated for the Senate a candidate who had previously been in the lower House; and who, during the first session he was there, procured the charter of the Gunners' Run Improvement Company, and, upon his return home, and the organization of the company, procured his election as its president, and the stockholders to this day are left entirely in the dark as to what became of the money raised by the payment of the first instalment on their stock; and who, while a member, had spent the whole of the session of the Legislature of 1849 at Harrisburg, with no visible occupation or means of living; the funds of the Gunne Run company having been previously exhausted. And it is well known that, several years past, candidates have been declared nominated on the Assembly ticket that had not the requisite number of votes; and, in the last convention, when a member detected the president in the attempt to repeat this outrage, and made it known to the convention, he (the member) was shamefully mal-treated by a band of bullies.

"It is a notorious fact, that honesty and political integrity are qualities that not been regarded by the conventions of the last few years; and if a candidate possessing those qualities had been placed on the ticket, it has been by accident and not by design. The only question has been—Does he belong to a certain clique, or will he suit the purposes of that clique?

"And what good is produced by the election of such Democratic tickets as have been recently nominated? At the last session the county was represented by Democrats, and at the present session by Whigs, and yet the pernicious laws of the last greatly outnumber those of the previous session.

"They do not even take care of the interests of their party; for, at the last session, they joined to a man with the city Whigs in passing a law changing the mode of electing Councilmen in the city, whereby the ascendancy of the present corrupt ruling party in the city has been secured for years to come.

"They also passed a law providing for the election of a Police Marshal from a district that will be certainly Whig, and by the same law took from the Democratic dis-

tricts of the county the power of electing their own police officers;* and a law depriving the county corporations and county assessors of the power of appointing tax collectors, while in the city, where \$53,000 annual commissions is paid to about seventeen collectors, for four months' services in each year, the power of appointment remains with councils and assessors as heretofore. These are the corruptions, and this the state of things, that the president of the late county convention to revise the rules, and the intriguing clique that follow him, desire to continue, by setting aside the new rules, knowing that by the heavy representation from the Whig and Native parties that they can bring into the convention, under the old rules, they can better carry out their sinister designs.

"Democrats of the county, do not longer permit these things. The gang of base men who have swayed your conventions for the past few years, have nominated tickets to suit themselves, and you have elected them; and in their carousals after the election, they exult and chuckle over the gullibility of the *sovereign people*, as they sneeringly term you. Attend then at the delegate elections, on the first Monday in August, and elect for delegates men of integrity, and require of them that they nominate tickets that are worthy of your support.

"A DEMOCRAT."

From the Evening Bulletin of Tuesday, July 9, 1850.

"A STREET CONFLICT.—This morning, a few minutes after the breakfast hour, the usually quiet neighborhood of Sixth and Poplar streets, was suddenly startled from its propriety by a personal conflict between the Hon. Thomas S. Fernon, of the State Senate, and Andrew Miller, Esq., President of the Board of Moyamensing Commissioners. The meeting, from all accounts, was accidental. Fists were the only weapons used, yet considerable blood was spilled.

"Mr. Miller, as will be seen by a card from that gentleman himself in another column, sustained a good deal of injury from his antagonist, the combative Senator. The cause of the difficulty is said to be a card in one of the papers of this morning, reflecting upon Mr. Fernon, and the authorship of which is charged upon Mr. Miller."

"ANDREW MILLER'S CARD.—The undersigned will necessarily be absent from his office for a few days, in consequence of injuries received in a brutal attack made upon him by Thomas S. Fernon, Senator from the county of Philadelphia. Meanwhile any urgent business matters will be attended to at his residence, Catharine street above Sixth, 4th door above St. Paul's M. E. church.

"ANDREW MILLER,
"17 North Sixth, cor. of Commerce st."

From the Spirit of the Times of Wednesday, July 10, 1850.

"The affidavit of Andrew Miller, who, being duly affirmed according to law, saith:

"I was on a visit to my father-in-law, who resides in Fourth street, above Culvert street, Northern Liberties. I left the omnibus at Sixth and Poplar streets, and was passing down Poplar street, on the south side. When at *Randolph street*, Thomas S. Fernon came suddenly upon me—he was within two or three feet of me before I observed him. *With a small, round, heavy weapon, which he quickly snatched from his pocket*, he struck me a blow over the left eye, which stunned me, and under which I staggered and fell. While partially prostrate on the pavement, leaning upon one

* While the police bill was pending in the Legislature, Andrew Miller was in Harrisburg in *propria persona*, urging the passage of another bill which utterly extinguished "the Democratic districts of the county," and created a representative district "certainly Whig;" for in it, at the last election, John S. Keyser, Native-Whig, for Police Marshal, had 2,198 majority; said district to elect "eleven members of the House of Representatives" and "four members of the Senate," and a Mayor, &c., &c., leaving twelve of the outer townships and boroughs to compose "the county of Philadelphia," to elect "two members of the House of Representatives" and "one member of the Senate!"

hand or arm, he gave me three or four blows with the same weapon, or with his fist, I do not know which, for I was not fully conscious at the time. At the moment I received the last blow, I caught him with one hand, somewhere about the head or neck, and upon his raising himself, I was raised up, whereupon he walked off at a *rapid pace* up Randolph street. He spoke no word that I recollect, nor gave me any warning of his approach.

ANDREW MILLER.

"Affirmed and subscribed this 9th day of July, A. D., 1850, before me.

"ABRAHAM M'GARRY, Alderman."

This affidavit was also published by Andrew Miller, in the "Public Ledger" and in the "Evening Bulletin" of July 10th.

From the Public Ledger of Thursday, July 11, 1850.

"The affidavit of Thomas S. Fernon, who, being duly sworn according to law, saith :

"That the statement contained in an affidavit, signed Andrew Miller, published in the Spirit of the Times of to-day, is a base fabrication, utterly false in every particular. I did not use a weapon of any kind; I had no weapon in my hand nor in my possession; and said Miller made the assertion that I used a 'small, round, heavy weapon,' with malice prepense, or else his affrighted imagination received the idea from the fingers of my clenched hands. The meeting in Poplar street, on my part, was purely accidental; and the affray, which he had provoked, was terminated by his coward cry of 'murder.' As said Miller has commenced legal proceedings against me, his attempt to forestal public opinion by a lying affidavit, is a fit climax to the infamy of his previous conduct.

THOMAS S. FERNON.

"Sworn and subscribed before me, this, the 10th day of July, A. D., 1850.

"PETER RAMBO,

"Alderman First Ward, Kensington."

From another Daily paper of same date as the foregoing.

SUIT INSTITUTED.

"Thomas S. Fernon, Esq., appeared before Alderman M'Garry, of Moyamensing, yesterday, in answer to a charge of assault and battery committed on Andrew Miller, the day before. Mr. Fernon having appeared in the office, the Alderman was about to read him an eloquent piece of advice on the enormity of such an offence as striking so great and good a man as Mr. Miller, when Mr. Fernon said, 'Alderman, I came here to enter bail for my appearance, not to ask your advice, nor to listen to a stupid lecture.' The bail was at once taken, and Mr. Fernon left the place."

Commonwealth vs. Thomas S. Fernon.

"Warrant issued July 9th, 1850, to Thomas M'Carthy, constable, on affirmation of Andrew Miller, with committing a violent assault and battery on his person with a *small, round, heavy weapon*; now July 10th, 1850, defendant brought into office by Alexander Gillen, police officer; *plaintiff being not able to attend*, defendant held to bail in one thousand dollars for his personal appearance at this office, July 16th, 1850, at 9 o'clock, A. M. Matthew Van Dusen, Jr., sworn, Tent, \$1000. Thomas S. Fernon, Tent, \$500, to keep the peace to hearing; now July, 16th, at 9 o'clock, A. M., parties present. Andrew Miller, *sworn*, proves to the above *facts*; (?) after hearing, defendant held to bail in one thousand dollars to answer; Matthew Van Dusen, Jr., Tent, \$1000, Thomas S. Fernon, Tent, \$500, to keep the peace to this case is disposed of. Andrew Miller, Tent, \$50, to appear and testify.

"I hereby certify that the above is a correct transcript from my docket. Witness my hand and seal this 6th day of August, A. D., 1850.

"ABRAHAM M'GARRY, Alderman," [SEAL.]

The following is the published testimony of Andrew Miller, as taken down stenographically, at the hearing of the case before Alderman M'Garry :

"Andrew Miller, after being sworn by the uplifted hand, testified as follows, before Alderman M'Garry, on the 16th July, 1850 :

"After I left the office at half-past eight o'clock, on Tuesday morning, 9th instant, I took an omnibus to Sixth and Poplar streets, and went down Poplar street on the south side. At the south side of it, nearly opposite Randolph street, I suddenly came upon this man, (Mr. Fernon,) but did not discover him until almost—if not quite within reach of his arm. *I was, however, enabled to see him snatch something from his pocket,* and I then received a blow across the front of the left eye. I staggered and fell upon this (right) elbow and on my side. While in that position I received from him three or four blows; I was not fully conscious when the blows were struck. I was not wholly stunned, but partially so from the effects of the blow. I reached him while in that position, and my left hand caught him somewhere. I then got upon my feet, and he passed off suddenly into Randolph street, and I went to Fifth and Poplar streets; I went to a pump and washed the blood off my face and hired a cabman to drive me home.

Mr. Fernon—What time was this in the morning?

Mr. Miller—About half past eight o'clock.

F.—Does the witness remember crying "murder?"

M.—*I do not remember.*

F.—Does the witness remember hearing the words—"Gentlemen, this is Andrew Miller, of Moyamensing?"

M.—*I do not remember.*

F.—I ask the witness which hand I struck him with first?

M.—*He had a weapon in his right hand.*

F.—Is the pavement wide or narrow, where the collision took place?

M.—I did not take the measure of it, therefore, I don't know exactly.

F.—Then the witness, if I understand aright, saw me when a few feet distant?

M.—I saw him when he was about arm's length off me, and not before. My belief is, that he saw me in the omnibus, as I was passing up Sixth street. He went up Parrish street, and down Randolph street, with a weapon in his hand, for the purpose, as I believe, of meeting me. *But I don't wish this to be considered as a part of my testimony."*

From the Public Ledger of Wednesday, July 17, 1850.

A CARD.

"The article advertised in the 'Public Ledger' of Tuesday, the 9th instant, addressed 'to the Democracy of Philadelphia county,' and signed 'A Democrat,' is the invention of Andrew Miller, of Moyamensing. I have the manuscript in my possession, *and it is in the handwriting of Andrew Miller!*

"In a paragraph of that article I am charged, as President of the Gunners' Run Improvement Company, with having made an improper use of the money belonging to the stockholders, or, in other words, with having used the funds of the company for my own private purposes. This imputation upon my integrity as an officer of a company, and upon my honesty as a man, was made by said Miller with a knowledge of its entire falsity, and with a premeditation to do injury to my reputation. And in order that the *scoundrelism* of the attempt may be understood, I invite attention to a few brief facts:*

* The bill to incorporate the Gunners' Run Improvement Company was read in place, in the House of Representatives, February 14th, 1846, but was not acted on finally that session. It was again read in place January 14th, 1847, was passed through both Houses, and became a law, by the signature of Governor FRANCIS R. SHUNK, on the 15th day of March, 1847.

“At a meeting of the subscribers to the capital stock of the Gunners’ Run Improvement Company, held Monday, May 3d, 1847, in the Merchants’ Exchange, the company was organized by the election of the following officers: President, Thomas S. Fernon; Managers, Coleman Fisher, John Tucker, Henry J. Biddle, George W. Edwards, Wm. F. Emlem, Wm. L. Mactier, James G. Edwards; Treasurer, Samuel Norris.

“There was no salary attached to the office of president nor treasurer, and of course none to the managers. The design of the company was to construct a tide-water canal, with wharves and basin docks, along Gunners’ run, from the river Delaware to the Reading railroad. The plan of the survey made by Elwood Morris, Esq., Civil Engineer, may be seen in room No. 15, Philadelphia Exchange. In consequence, however, of a difference of opinion between the managers of the company and the Commissioners of Kensington district, as to the kind of bridges to be erected across the proposed canal, the active operations of the company were suspended. My resignation as President was tendered to the managers at a meeting held 23d Sept., 1848. The company was dissolved by the unanimous consent of all parties interested, in the spring of 1849. The disposition that was made of the funds is exhibited by the following letter from Samuel Norris, Esq., Treasurer of the company:

(COPY.)

Dear Sir:—The assertion contained in a paragraph of an article in the Ledger of Tuesday, the 9th inst., over the signature of ‘A Democrat,’ that the stockholders of the late Gunners’ Run Improvement Company, of which company I was Treasurer, ‘to this day are left entirely in the dark as to what became of the money, raised by the payment of the first instalment on their stock,’ is not true.

In the spring of 1849, the stockholders of the Gunners’ Run Improvement Company determined to abandon the prosecution of the work, and the money received from the stockholders for the payment of the first instalment, (five dollars per share,) after deducting the expenses incurred by the company, was, by order of the managers, refunded them, and each of the stockholders has received the amount he was entitled to, viz: four dollars and three cents for each share held.

SAM’L NORRIS.

THOMAS S. FERNON, Esq.

Amount paid in on one thousand shares,	-	-	-	-	\$5,000 00
Refunded to stockholders,	-	-	-	-	\$4,030 00
Expenditures,	-	-	-	-	970 00
					<hr/> 5,000 00 <hr/>

“The item of ‘expenditures’ was required for the payment of engineers, for surveys and plans, which alone exhausted more than one-half the amount; also, for the payment of State tax on company’s charter, and for the payment of the costs of advertising, printing and other necessary outlays incident to the organization of a company. These payments were made by the Treasurer, on orders certified in the usual manner. There was no disagreement at any time among the stockholders. Andrew Miller owned no stock, and had no interest in the affairs of the company. And I will here remark, that after the company had abandoned the enterprise, the Commissioners of Kensington were so impressed with the utility and necessity of having a canal along Gunners’ Run, that an act was obtained from the Legislature confirming the plan of a canal one hundred feet wide, and wharves have since been erected by individuals along portions of the line. Miller did not make his publication with a view to render any individual or the public a service; his sole motive was to do me a wrong, by a foul calumny, which may well make honorable men shudder to contemplate; for if an assassin can stab a man’s honor with impunity, where is the citizen to look for safety?

"Andrew Miller was the advocate of repudiation of the State debt;* he wrote a letter in the year 1843, to a Democratic conferee, proscribing a large class of adopted citizens, which letter is in the possession of a well known Democrat; and in the year 1844, to win the favor of those citizens, he wrote a letter avowing that during the riots '*he shed tears on the house top,*' as if the house top was a place from which to render aid when riot prevailed in the street! While in the lucrative office of Recorder of Deeds, where the generous Democracy had placed him, he deserted the party for the candidate of the opposition, and did not return to the Democratic ranks till he had aided in the publication of documents recommending that candidate to Democratic support, which documents were subsequently used by the Whig party throughout Pennsylvania to defeat Gen. Cass in the campaign of 1848.† In the Board of Commissioners of Moyamensing, in the year 1848, he offered resolutions laudatory of disturbances of the peace by fights in the public streets, and then, after having provoked a test of his own doctrine applied to himself, he called out 'murder.'‡

* At a meeting held in the county court house on Thursday evening, December 30th, 1841, William C. Parker in the Chair, Andrew Miller offered a long preamble and array of resolutions, declarative of the doctrine of repudiation, of which the following are extracts:

"*Resolved*, That in the contracting of the so called 'State debt,' the faith of the Commonwealth has been unconstitutionally and illegally pledged, and the people are under no *moral, legal or political obligation* to bear any burden of taxation, or make any sacrifice of personal comfort to keep it unbroken.

"*Resolved*, That we will unitedly and determinedly *resist*, by all constitutional and legitimate means, the collection of the present or any future tax, levied for the purpose of paying *either the interest or principal* of the so called 'State debt;' and we do hereby admonish the present Legislature, that the true interests of the community they represent require an immediate *repeal of all laws* passed for that purpose."

† See columns of the "Harrisburg Argus" for 1847, where the name of "Andrew Miller, Philadelphia county," is displayed on the State "Central Taylor Committee."

‡ At a meeting of citizens of the city and county, held in the chamber of the Common Council, Thursday, January 27th, 1848, a bill for the better regulation of the fire department, to be forwarded to the Legislature, "was read in sections and passed unanimously."

At a meeting of the Kensington Commissioners, held February 1st, 1848, the following resolution was unanimously adopted:

"*Resolved*, That the bill now before the Legislature, regulating the fire department of the city and county of Philadelphia, meets with the entire approbation of this Board."

At a meeting of the Commissioners of Moyamensing, held Monday, February 7th, 1848, Andrew Miller offered a series of resolutions remonstrating against the passage of said bill, and declaring any change in the laws then existing, "unwise and injudicious." One of his resolves was in these words:

"*Resolved*, That the valor, the intrepidity, and bravery of our young men, evinced upon the battle fields of Mexico, stands in bold record upon their country's history, and has added to its honor and its fame, while our Legislators are attempting to pass laws that will deprive them of the *natural right to resist when attacked*, and will force them to *flee when assailed*, under the pain and penalty of spending a portion of their lives in a felon's cell. It is better, far better, that we should have occasional slight *disturbances in our public streets*, than that we should force the growth of a community of *cowardly, craven-hearted young men*, unfit to defend their country's honor in the hour of peril, and unworthy of their country's name."

On Sunday, June 17th, 1849, a riot occurred in Moyamensing between two rival fire companies, in which one man was killed and several wounded.

The Board of Commissioners held a meeting on Monday, June 18th; resolutions were offered relative to the disturbances which had made the "District the theatre of outrage and violence." (See report of the proceedings in the papers of Tuesday, June 19th, 1849.) Pending the consideration of the resolutions, Andrew Miller "took the bold ground that the two companies were only defending their respective properties—that they had a right to do this—that they would be *cravens* if they did not do it—and that it would not be just for any *jury to convict them for it.*"

From the Public Ledger of Monday, June 18th, 1849, the annexed extract is taken: "*Curious Placard.*—The following squib was found posted at the corners of many of the streets in Moyamensing early yesterday morning. It was printed in the usual shape of a placard: '*Public Notice.*—The *Millerites* of Moyamensing, from ten years old and upwards, will meet at three o'clock this afternoon—the eastern division at Eighth and Fitzwater streets, and the western division at the Eleventh street market. Those having guns and pistols will bring them along;

"These are some of the spots on the demagogue who presumes to dictate to the Democracy of Philadelphia, and who gratifies his vindictive feelings by libels on private character.

"THOMAS S. FERNON.

"KENSINGTON, July 16, 1850."

From the Public Ledger of Thursday, July 18, 1850.

A CARD—TO THE PUBLIC.

"The advertisement in the Ledger of this morning, signed Thomas S. Fernon, would not have been noticed, had it contained only vituperation, and abuse of me: for I have lived during a period of 40 years, and held various positions of public trust among the people of the city and county of Philadelphia to no purpose, if the Billingsgate abuse of such a man can injure me in character or reputation.* For his brutal attack on me with *a deadly weapon*,† I will make him answer in a Criminal Court. His abuse I despise, and I wrote only to correct and dispel the consequences of his falsehoods.

"Those who will read the article in the Ledger of July 9th, signed "*A Democrat*," will see that it *names no one, abuses no one, nor does it reflect upon the private character of any one*. The aim and object of that article is explained by its contents, which was to show the inconsistent conduct of the County Conventions of the political party to which I belong, in annually resolving against Banks and other Corporations, and nominating candidates for the Legislature, whose action was uniformly in favor of them.

"To scrutinize and examine the conduct of public men of my own party, is a right that I claim, and shall continue to exercise, regardless alike of the consequences to myself, or whose hypocrisy and deception it may expose.

"Thomas S. Fernon could employ his pen with more profit to his political reputation, than by slandering and vilifying me, by explaining to his betrayed constituents, how it was that he went to the Legislature at the session of 1846, the armored champion of anti-Bank and anti-Corporationism, and during that session voted again and again for bills chartering various Corporations, and among them the Gunners' Run Improvement Company; and how he, a pledged anti-Corporation man, came to be elected President of that company, almost immediately upon his return from the Legislature; and how it was that at the next and succeeding sessions, he was found frequently voting with the enemies of the Democracy against the cherished principles and resolves of that party.‡

those not having these useful weapons are requested to supply themselves with as many bricks and stones as they can carry.'"

From the Public Ledger of June 20th, 1849:

"*Law and Order Meeting in Moyamensing*.—A highly respectable meeting of the citizens of Moyamensing was held last evening at the Commissioners' Hall, to devise measures for sustaining the public peace.

"The following is a copy of one of the resolutions:

"*Resolved*, That in consideration of the *incendiary doctrines* expressed by Andrew Miller, a Commissioner of this District, he is hereby requested to resign his seat in the Board, and *remove from the District*."

* To those who exercise even a moderate habit of observation, it is not requisite to delve into the chronicles of human events to ascertain the fact that characters of counterfeit pretension, in some instances, have lived in a community more than "forty years," and have occupied "various positions of public trust," before the arm of retributive justice reached them and meted out a just punishment and exposure.

† What a commentary on his own pet doctrine of "the natural right to resist when attacked," is presented by his wicked fiction of "*a deadly weapon*," and his petticoat appeal to the "Criminal Court."

‡ The attempt to construe resolutions passed by Democratic conventions, against corporations, meaning thereby, as every one knows, banking, manufacturing, and other special corporations which encroach upon individual rights and individual enterprise, into hostility to public improvements by canals and railroads, is in perfect accord with the character and practice of a lying

And what he was doing at Harrisburg during the Legislative session of 1849, and whether he during that session aided the passage of any laws chartering banks, which the party that elected him so frequently denounced? And how it was that at the last session, he was the untiring advocate of a divorce, asked for by a certain wealthy petitioner, against all his colleagues in the Senate from the city and county? * When he has explained these matters, then he may, for all that I care, pass into that obscurity and enjoy that contempt he so richly merits from all honest men. †

“It is a humiliating fact that the Democratic party of the county of Philadelphia is ruled by a *gang* of men that deserve no other or better appellation than *pirates*, for they exist by the plunder that they can reap, in disregard and in violation of the cherished principles of the party that gives them character and position. There was a time when a single vote given by a Democratic member of the Legislature, from the county of Philadelphia, caused the tocsin of alarm to be sounded; and the assembling of a town meeting to denounce the derelict act; and I well remember, when a respectable citizen of the Northern Liberties was hissed out of the State House yard, by an indignant Democracy, for having given a vote in the Legislature in favor of banks.

“But that day is past, and now Democratic representatives are more honored for the breach than for the observance of those great principles, which a good many others, *with myself*, have spent a good deal of *money* and time to support, cherish and sustain.

“ANDREW MILLER.”

From the Public Ledger of Saturday, July 20, 1850.

A CARD.

“Andrew Miller, finding the proof of the authorship of the article in the Ledger of July 9th, of a character to render successful denial of it out of the question, yesterday appeared over his own signature, and declared that said article “names no one, abuses no one, nor does it reflect upon the private character of any one.” The paragraph

hypocrite and deceitful demagogue. And an additional proof that Miller has earned these distinctions is furnished by the fact that he was and is a *stockholder in a corporation* known by the name of “the Southwark and Moyamensing Gas Company.” His name is among the *original incorporators* in the act of incorporation. See laws of Pennsylvania, session of 1848, appendix, page 566.

* In Andrew Miller, that sense of honor which is the essence of a man, and which nature enshrines in every human breast, is entombed in the ashes of a dead conscience. It his pleasure to coat his tongue with virus, and make it the vehicle of slander—to steep his brain with malice, and make it the hatching place of insidious calumny and skulking inuendo. Therefore it is that he sought to convey a covert meaning in the words, “a certain wealthy petitioner,” instead of boldly giving a proper name. The vote by yeas and nays, on the different divorce bills which incited newspaper attention, were published at the time; and, besides, Miller no doubt ransacked the official journals, which are accessible to every one, and to which the reader is invited to refer, in order that he may ascertain from the record who and how many voted for or against any particular bill.

† “As I am an *honest* man,” so said Iago, yet all beside, save those who imitate his guile, prefix a syllable well understood; to the word “honest,” as used, or rather as abused, by that “pernicious caitiff.” And, as Miller is among the “honest men” whose execration I am to receive, ergo, by parity, “all honest men” must needs mean all of whom Iago is the archetype, and Miller the daguerreotype!

When Recorder of Deeds, Andrew Miller took especial pains to have published, from time to time, the amount of office fees by him accounted for to the State, for which, be it remembered, he was legally bound to answer, and for the forthcoming of which the State held ample security. Hence there was no merit in making payments which could not be withheld, because when an officer fails to do his duty in this respect, the Commonwealth brings suit to recover from the securities, whose bonds guarantee her against loss. Andrew Miller, however, seemed actuated by a double purpose—to manufacture capital for himself, and lull the people into the belief that he was an *exception* to the alleged practice of taking illegal fees in the “State House Row.” And, while it is true that no other “Row” officer made any extraordinary pretension to virtue before the public, it is also true that on the 24th day of October, 1849, a verdict was rendered against Andrew Miller, by a jury, in the Court of Common Pleas, on a charge of taking illegal fees!

relating to myself was of a malicious personal character from the first letter to the last word; it was so intended by Miller, and such was its obvious meaning to every reader; and no *testimony*, however strong it may be urged, will *change the face of the types*, nor relieve the detected author from the exposure and consequences of his guilt. He cannot shield himself under the plea that he did not "name" me as President of the Gunners' Run Improvement Company, for he knew the company never had any other president. The sentences and context of the article abound with "abuse," while the words, "the stockholders to this day are left entirely in the dark as to what became of the money raised by the payment of the first instalment on their stock," do, maliciously and villainously, too, "reflect upon private character." His denial of the meaning of the English language shows his willingness to shape assertions, from day to day, to suit his interest and his fears.

"Andrew Miller, in his first card, and in the freshness of his memory of the circumstances of the Poplar street affair—at least so far as his fright allowed him to remember any thing—said that I made 'a brutal attack upon him,' but said *nothing about a weapon*. He next charged me with striking him with 'a small, round, heavy weapon;' and behold, to-day, he has enlarged it into 'a deadly weapon,' which last phrase *comes up* to the words of the law. I again solemnly repeat, that I used no weapon of any kind on Andrew Miller. The affray was of his own production; none but nature's arms were used against him; and if he chooses to risk a second test of his own doctrine—which, by the way, he seems inclined to *repudiate*—the disputed fact can be settled to his most ample satisfaction. I trust that all who were spectators will appear in court and testify to what they saw and heard. A disinterested observer of the occurrence can furnish a *more truthful account* than the participant who cried 'murder.*' It was his cry of 'murder' that lifted the lion's skin and showed his poodle picture underneath—whereby he is now assigned his true position. His friend, Alderman M'Garry, having bound me to keep the peace towards Andrew Miller, his (Miller's) poodle ears will perhaps again disappear beneath the lion's skin; but I shall turn a deaf ear to his 'sound and fury,' and patiently await the action of the law—for doing society a service.

"THOMAS S. FERNON.

"KENSINGTON, July 18, 1850."

The following is an extract of a note addressed to my counsel by Andrew Miller, dated July 24th, 1850:

"I have directed Mr. Hirst to commence an action of trespass vi et armis against Fernon, for the assault with a *deadly weapon*, made on the morning of the 9th inst.

"Very respectfully, &c.,

"ANDREW MILLER."

This "action of trespass vi et armis" has never been heard of since his lie about "a small, round, heavy weapon," alias "a deadly weapon," was so effectually exposed by the evidence adduced in court, on the 3d day of September, 1850.

The county convention of 1848 refused Andrew Miller the nomination for the Senate, which he asked for; the county convention of 1849 defeated his efforts to make himself its president, and his brother its nominee for the Senate. Now, in 1850, to avenge his disappointments upon the magnanimous party whose charity put money into his pocket, he again turns ingrate, and strives to entice Democrats to desert regular nominations and defeat the Democratic ticket.

* By reference to the trial it will be perceived that the eye witnesses, who testified, one and all, emphatically contradicted Andrew Miller, and fully corroborated my solemn asseveration that no weapon was used on the occasion.

From the Public Ledger of Saturday, August 10, 1850.

TO THE DEMOCRATS OF THE COUNTY OF PHILADELPHIA.

"The president of the late convention to amend the delegate rules, asserts in the public papers that the revised rules were not adopted. If he and his followers had have regarded the *revised conference rules*, which all admit were fairly adopted, their fellow Democrats might be induced to believe their assertions with regard to the delegate rules; but their total disregard of the revised conference rules, is abundant evidence that those assertions are totally unworthy of belief.

"It does not suit their purposes that either set of rules should be regarded. Their designs can be much better accomplished under rules that give five democrats in Kensington as much voice in making the ticket as twenty-five in Moyamensing, Penn District, Richmond and other places.

"By means of the delegation elected and organized under the old rules, they can pass high-faluting resolutions against banks and all kinds of corporations, and nominate men for the Legislature who will sell privileges and indulgences to individuals and corporations, and divorces to libertines, as meat is sold from the shambles or merchandize from the counter.

"There are some worthy and excellent men in the convention, but they are merely a bob-tail to the kite. *A large majority of the delegates* are of that class that will insure the decapitation of any *honest man* whose name may appear before them as a candidate. Democrats of the county, *you can derive no advantage either to the party or the community by sustaining and supporting the nominations of these men.* You have supported them with fidelity for years past, while they have betrayed your confidence and sneered at your credulity. The tickets that the conventions will make *will not have the slightest claim to your support*, for those conventions are not organized under the Democratic rules, and those who compose them are, therefore, but a band of disorganizers.

"A DEMOCRAT."

Benedict Arnold, by his treason, forfeited his right to the distinction of "a patriot." Andrew Miller, by his ingratitude, treachery and cowardice, forfeited his claim to the title of "a Democrat!"

From the "Spirit of the Times" and the "Daily News" of Wednesday, September 4th, 1850, but chiefly from the "Spirit of the Times," the annexed report of the trial is taken:

COURT OF QUARTER SESSIONS—Judge William D. Kelley. Thomas S. Fernon was placed upon trial, charged with committing an assault and battery upon Andrew Miller, on the ninth day of July last.

The following is an accurate report of the evidence in this case:

Andrew Miller, sworn—I reside in Catharine street, above Sixth; the affray between Mr. Fernon and myself occurred in Poplar street below Sixth, on the morning of the 9th of July; I was going into the Northern Liberties to see my father-in-law, who was unwell; I got out of an omnibus at Sixth and Poplar streets, that being the end of the omnibus line, and was passing down Poplar street on the south side, and when at the corner of a small court, a short distance east of Randolph street, I met Mr. Fernon; he was then very near me before I observed him; immediately upon seeing him, *I observed his hand coming up in a menacing position*, and almost immediately at the same moment I received a blow over the left eye, and from the effects of that blow I staggered and fell; while laying across the pavement I received three or four other blows from him, Mr. Fernon; the first blow was very violent, and I staggered and fell; I heard no word spoken at any time before or after; I said nothing to him; *no word was spoken by Mr. Fernon when he approached me*; while I was laying prostrate on the pavement, I caught him by the collar, or coat, and he raised me up in that way; I was partially stunned by the effects of the first blow, but cannot recollect.

In the cross-examination by Mr. Phillips, Mr. Miller stated that he was going from his office via Sixth street and Poplar, to his father-in-law's residence; Mr. Fernon resides, I believe, in Shackamaxon street, Kensington; the time when I left my office was half-past eight or nine o'clock; no words passed between us in the affray, to the best of my knowledge; before the assault I used no words; I heard no words used from Fernon; at the first examination before the magistrate I did *suppose* the affray occurred at the corner of Randolph and Poplar streets, but subsequently found that instead of it being at the corner of Randolph street, it was at the corner of a small court; he appeared to approach me from the east; *I did not know where Mr. Fernon came from*; the visit was not up Randolph street; I have expressed my belief that Fernon *saw me in the omnibus, and went down Parrish street and up Randolph street for the purpose of attacking me*; Poplar street, there, I think, is forty feet wide; when I first saw Fernon I was within arms-reach; this court is some fifty feet from Randolph street; *I do not remember that he (Feron) had anything in his hand*; before Alderman M'Garry I swore he had a round, heavy stick in his hand, and I saw him pull something from his pocket and believe it was a weapon with which he struck me; *I cannot now say, distinctly, that Fernon had a weapon*, but I judge it was a weapon; I positively assert that I did not say before Alderman M'Garry that I saw a round, heavy stick, but said he struck me with one; [Mr. Phillips here showed witness a parcel of documents which he recognized in his own hand writing;] there were no bad feelings on my part towards Mr. Fernon; I do not recollect of having *written or said anything against Mr. Fernon until after the 9th of July*; *I had no ill-feeling towards Mr. Fernon until after the affray*; he might have entertained bad feelings against me, but I entertained none against him; he and I had been on intimate terms until Fernon's attack on me in the County Commissioners' office, a short time before; on the 9th of July I was not on speaking terms with him; I received a blow over the left eye and fell on my right side; it stunned me; he gave me other blows; I do not recollect of hearing any person say "this is Andrew Miller, of Moyamensing;" there were two or three children and two women in the street, I think; when I put the card in the paper *I do not recollect* whether I said he made a brutal attack upon me; in speaking of the affray I invariably said it was done with a weapon; in putting a notice in the paper I did not say that I was detained from my office in consequence of being struck with a weapon; *the affidavit I did not put in the paper*; in the advertisement in the *Public Ledger* on the 18th of July, *perhaps* I may have said it was made with *a deadly weapon*; Mr. Fernon struck me with his right hand; my nose was mashed; there were several marks on my nose; all the blows I received were in the face; I have no doubt the blows were struck with a weapon.

Mr. William C. Parker, sworn—I live at No. 91 North Sixth street; saw Mr. Miller, and observed him very much abused, one hour or two after the affray, on the 9th of July, at his house in Moyamensing; his face was exceedingly bruised; his left cheek was swollen; there was one contused indentation across the face; I went after Dr. Noble.

Cross-examined—I think that the blow was inflicted with a weapon; such blows were too heavy for the fist.

Alderman M'Garry, *affirmed*—I saw Miller after the affray—the same day; his face seemed to be bruised badly, over the left eye and right cheek; I judge the blow or blows were struck with a weapon; *Mr. Miller was examined the same day; he said he was struck with a hard weapon*; I do not recollect whether Miller said he saw the weapon.

The evidence for the Commonwealth here closed.

The defendant's case was opened by H. M. Phillips, Esq., who gave a narration of what he intended to prove. Mr. Phillips offered the manuscript that gave rise to the difficulty, which was published on the 9th of July in the Ledger. He stated that he offered it for the purpose of contradicting Mr. Miller, who stated that he had never said anything against Mr. Fernon previous to the attack.

The first witness examined, on behalf of the defendant, was Alderman Peter Rambo, of Kensington. That gentleman being sworn, testified as follows:—I know Mr. Fer-

non and saw him at 7 o'clock on the morning of the 9th of July, in Beach street, coming from his boarding house towards the city; I saw nothing of the occurrence; I have known Mr. Fernon twenty years, and have known him to be a quiet and very orderly man; he bears an excellent reputation in our neighborhood for peace and quietness; the same morning I saw him again at 11 o'clock.

James Altemus, sworn—I live in Second street above Otter, and saw Mr. Fernon at the corner of Germantown road and Otter street, at 8 o'clock on the morning of the 9th of July, going west; I have known him twenty years as a peaceable and quiet citizen.

Mr. William H. Fernon, sworn—I reside in Randolph street above Poplar; on the morning of the 9th of July my brother was in my room at half-past 8 o'clock; and again at half-past 9 o'clock I saw him; when he left me he had no weapon; I never knew him to carry a weapon; he came to my house soon after 8 o'clock.

Mrs. Catharine Gunther, sworn—I live in Poplar street, below Sixth; on the morning of the 9th of July, I saw Mr. Fernon come across Poplar street from Randolph, where I was cleaning the pavement, and Mr. Miller came on the same side from Sixth street; they came in contact just in front of me; Mr. Fernon encountered Mr. Miller, and asked him "What have you against me?" Miller did not answer him; Mr. Fernon then hit Mr. Miller, and I went in the house; Mr. Fernon struck Mr. Miller with his hand; I did not hear any thing else; Mr. Fernon had no weapon.

John Hutchins, sworn—I live on the north-west corner of Randolph and Poplar streets; I saw the occurrence, and was directed to it by a noise, I supposed to be words, but I could not distinguish any conversation; they were both grasped together; they tussled with one another, and appeared to separate, when coming again together, Mr. Fernon caught Mr. Miller by the head and struck him upwards with his fist; Mr. Miller cried "murder."

Henry Foertsch, sworn—I live in Poplar street above Randolph; two females directed my attention to two men fighting; I did not know them at the time; Fernon had Miller by the hair, and struck him two blows with his fist.

Joseph Thomas, sworn—I saw the affray as I was going from my residence in Marshall street; observed the two men have each other by the neck, reeling round the pavement; Fernon pulled Miller down on his knees, and then raised him up again; the parties separated, when they joined a second time; Fernon struck him several blows with his fist, and Miller hallooed "murder;" Fernon afterwards went up Randolph street; the only weapon Mr. Fernon used was his fist.

Benjamin Labbree, sworn—I reside in Kensington; I saw this fight; I was coming up Poplar street, where I saw two men clinched; they were fighting; I said to a friend, see, a Dutch fight; Mr. Fernon caught him around the neck and struck him on the nose; the blood flew; Mr. Fernon said, "you are not among the killers now;" after the fight Mr. Fernon said to the people, "I call you to witness Andrew Miller, of Moyamensing, the biggest liar in Philadelphia."

Azor Thackara, sworn—When I saw the two men I thought they were wrestling; directly after they separated, and Miller coming towards Fernon, the blows were struck.

Andrew Young, sworn—I saw Mr. Fernon in Siner's foundry, Randolph street, with bloody hands.

John Uber, sworn—I saw Mr. Miller after the occurrence on the 9th of July, and thought the blows were made with a person's fist; his face and shirt bosom were bloody.

Joseph Mellick, sworn—I saw Mr. Miller at Chectum's tavern, Fifth and Poplar sts; his face was bruised and bloody; I imagined the blows were inflicted with the fist.

The evidence here closed, and William B. Reed, Esq., for the Commonwealth, commenced his argument to the jury, and was followed by Henry M. Phillips, Esq., for the defendant. Mr. Reed concluded, when the judge charged the jury, and they retired. After remaining out about half an hour, a verdict of guilty of assault and battery was rendered against the defendant.*

* Andrew Miller, knowing before hand, that his testimony (which develops a cautious backing out from the version given in his affidavit, and again sworn to before the alderman,) would

The following notice of the trial is copied from a daily journal. It is the natural impression made by the evidence on an unbiased mind :

"The trial of Thomas S. Fernon, Esq., for an assault and battery on Andrew Miller, president of the Moyamensing Commissioners, took place to-day, and resulted in evidence that no weapon was used upon the person of Miller. It was a regular game of fisticuffs."

From the Public Ledger of Saturday, November 16, 1850.

DISPOSED OF.—The case of Andrew Miller vs. Thomas S. Fernon, for assault and battery, was disposed of by Judge Kelly, who, on Monday last, sentenced the defendant to pay a fine of \$20 and costs.

From same paper, of same date.

The papers hereto annexed are submitted, without comment, to the readers of the Public Ledger, in order that they may receive publicity through the same channel, and to like extent, as the publication of July 9th, and other publications, to which they refer.

THOMAS S. FERNON.

KENSINGTON, Nov. 15, 1850.

EXTRACT FROM THE RECORD.

In the Supreme Court of Pennsylvania for the Eastern District, Thomas S. Fernon vs. Andrew Miller, of the term of July, 1850. * * * *

The arbitrators do award to the plaintiff the sum of fifty dollars—the defendant, by the annexed paper, having *disavowed the offensive meaning* liable to be inferred from the alleged libellous article.

SAMUEL W. PAUL,
CHARLES S. RICHIE,
POLLARD E. BIRCKHEAD.

September 23, 1850.

In the article inserted in the Public Ledger of the 9th of July last, upon the inconsistencies of the Democratic County Conventions, it is not, nor was it my intention to charge Thomas S. Fernon with an improper or dishonest appropriation of the funds of the Gunners' Run Improvement Company to his own use, nor to charge him with any want of honesty or integrity in his relations with that company.

ANDREW MILLER.

September 23, 1850.

I certify the foregoing to be a true and accurate copy of the award of arbitrators, filed in the above case, on the twenty-fourth day of September, 1850.

[L. s.] In testimony whereof, I have hereunto subscribed my name, and affixed the Seal of the said Supreme Court, at Philadelphia, this fourteenth day of October, A. D. 1850.

J. SIMON COHEN, *Prothonotary.*

I certify that the damages were remitted, costs paid, and satisfaction entered in the above case, on the thirty-first day of October, A. D. 1850.

[L. s.] Witness my hand and Seal of said Supreme Court, this first day of November, A. D. 1850.

J. SIMON COHEN, *Prothonotary.*

be peremptorily contradicted by the spectators to his chastisement, sought to flank and bolster it with the surgical hypothesis of his two congenial friends—one a lady's shoemaker in the city, and a god-father of repudiation, the other a Moyamensing copy of Shakspeare's "master constable!" Whereas, Dr. Noble, an eminent physician and a practical surgeon, who attended Miller professionally, and who would have truly described his patient's bruises, as well as the treatment whereby they were healed, was not summoned to appear in the case.

PHILADELPHIA, *September 27, 1850.*

DEAR SIR:—To your inquiry, dated September 26th, whether I ever knew you to favor the chartering of any banking institution during your stay at Harrisburg during the session of 1849, I can, without hesitation, say that I never knew anything of the kind. From all my association with you, I have always found you a strong opponent to banks in every shape and form; and I have never seen anything, either in your public or private acts, but what has been undeviating hostility to banking institutions.

And I will further add, that I have always considered your presence at Harrisburg, during that memorable session, of benefit to the Democracy of Philadelphia, in aiding and assisting to prevent the passage of local political bills, which our opponents desired to pass, to strengthen themselves in our county.

Yours with respect,

THOMAS H. FORSYTH.

To THOMAS S. FERNON, Esq.

KENSINGTON, *August 3, 1850.*

DEAR SIR:—I was Sergeant-at-Arms of the House of Representatives, for the session of 1849, and well remember your visit to Harrisburg during that session. I had excellent opportunities to ascertain your opinions concerning the bank bills then pending in the Legislature, and I know that your decided expressions of hostility to the passage of any and all of said bills was the subject of frequent comment and remark. You were known to entertain views hostile to the banking system; and the charge that you aided to pass any bill containing a banking corporation is a malicious falsehood, set afloat by a person who hoped to do you an injury.

DANIEL M'CLEARY.

To THOMAS S. FERNON, Esq.

PHILADELPHIA, *August 14, 1850.*

DEAR SIR:—We have a distinct recollection of your visit to Harrisburg, during the legislative session of 1849. Our intercourse was of daily occurrence, and we can affirm of our own knowledge that you did not, by word or deed, directly or indirectly, "aid the passage of any laws chartering banks," but, on the contrary, that you did on all suitable occasions, and in plain and emphatic terms, avow your opposition, on principle, to the chartering or rechartering of each and every banking corporation that was before the Legislature that session.

JOSEPH C. MOLLOY,
SYLVESTER CRIDLAND.

To THOMAS S. FERNON, Esq.

[Messrs. Molloy and Cridland were officers of the House of Representatives, session of 1849, and members of the House of Representatives, session of 1850.]

[Extract.]

PENNSYLVANIAN OFFICE, }
PHILADELPHIA, *November 2, 1850.* }

THOMAS S. FERNON, Esq.

MY DEAR SIR: * * * * * of your stay at Harrisburg during the session of 1849, I am rejoiced to be able to do you the justice of saying that, during all that session, you were a regular correspondent of the *Pennsylvanian*, having contributed over the signature of "Hermit." * * * *

Yours truly,

JOHN W. FORNEY.

On the 17th of July, a suit was commenced against Andrew Miller, for his libellous article, and as the action was instituted for the sole purpose of vindicating character, as was explicitly avowed to the arbitrators, the alternative was presented in a distinct and categorical manner, to the defendant, either to make a formal, written retraction of his libel, to be made as public as his charge, else abide the consequences of an act done with premeditation and without excuse. Hence the object and expectation of the plaintiff were fully realized in the defendant's written "disavowal of the offensive meaning," contained in his publication. And on payment, by him, of the costs of the arbitration, thus resulting in the retraction of his libel, under his own hand and seal, the damages were released and the case closed.

This brings us down to the last phase in the legal proceedings. It would be a work of supererogation to add any further remark to the facts and documents here presented; and, therefore, the subject is submitted to the impartial judgment of those who appreciate the value of reputation, and are not unwilling to defend it, against unprovoked and malicious attack.

THOMAS S. FERNON,
78 Germantown Road, Kensington.

DECEMBER 11, 1850.